

**IT IS THE VENDOR'S RESPONSIBILITY TO CHECK
FOR ADDENDUMS PRIOR TO SUBMITTING PROPOSALS**

REQUEST FOR PROPOSALS SPECIFICATION NO. 05-239

The City of Lincoln, Nebraska intends to enter into a contract and invites you to submit a sealed proposal for professional Engineering Services related to the projects listed and described below:

Professional Engineering Services, Update of Wastewater System Facilities Master Plan and Report

Sealed proposals will be received by the City of Lincoln, Nebraska on or before **12:00 noon, Wednesday, October 12, 2005** in the office of the Purchasing Agent, Suite 200, K Street Complex, Southwest Wing, 440 South 8th Street, Lincoln, Nebraska 68508. Proposals will be publicly opened, reading only the names of those submitting proposals.

A copy of the request for proposal may be obtained from the Purchasing Division web site at:
www.lincoln.ne.gov Keyword search: Bid

Submitters should take caution if U.S. mail or mail delivery services are used for the submission of proposals. Mailing should be made in sufficient time for proposals to arrive in the Purchasing Division, prior to the time and date specified above. It is the responsibility of submitters to check for all addendums issued for this request for proposals prior to submission.

REQUEST FOR PROPOSALS
Professional Engineering Services,
Update of Wastewater Systems
Facilities Master Plan and Report
Spec. 05-239

1. INTRODUCTION

- 1.1 The City is soliciting proposals for professional engineering services to provide normal and customary engineering services to update the current Wastewater System Facilities Master Plan and Report, dated April, 2003, which will continue to serve as a guide for short term and long term improvements to the infrastructure for Lincoln Wastewater System.

2. BACKGROUND

- 2.1 The City of Lincoln's last wastewater facilities plan update was completed in 2003.
- 2.1.1 Available online at:
www.lincoln.ne.gov/city/pworks/waste/wstwater/wwplan/index.htm
- 2.2 Lincoln's increasing population and the overall age of some wastewater system components are also driving the need to update this system.

3. EXISTING SYSTEMS

- 3.1 Collection System
- 3.1.1 The existing collection system consists of approximately 959 miles of pipe (July, 2005) ranging in size from 90 inches to 6 inches in diameter and 14 wastewater lift stations.
- 3.1.2 Since completion of the current Facilities Plan Update, additional designs, improvements and extensions of trunk sewer system improvements have occurred to relieve existing flows and meet growth demands in the various growth areas and basins identified for growth in the City's Comprehensive Plan.
- 3.1.3 Such major improvements and extensions include the following:
- 3.1.3.1 Phases I thru IV of the Salt Valley Relief Trunk Sewer to approx. 600 ft. south of Pioneers Blvd. have been constructed and are operational.
- 3.1.3.2 Upper Antelope Relief Trunk Sewer improvements from approx. 70th & Holmes Park Rd to 76th & Pioneers and from 84th & Old Cheney to approx. 88th & Benzinger Dr.
- 3.1.3.3 N. 31st. St. Lift Station Forcemain / Outfall improvements for adding a 30" gravi-force main are scheduled for completion in Oct. 2005.
- 3.1.3.4 West 'O' St. Trunk Sewer Extension Ph I & Ph II from SW 40th & BNSF to approx. SW 52nd & SW 60th & US Highway I - 80. Ph I is underway and scheduled for completion by fall of 2006 and Ph II is scheduled to be bid in Sept. 2005, with completion for fall of 2006 also.
- 3.1.3.5 Preliminary and final designs are underway or have been completed for: Phase V of the Salt Valley Relief Trunk Sewer, Upper SE & SW Salt Creek Trunk extensions, NE Salt Creek Basin Trunk sewer extension, Beal Slough Relief Trunk Sewer Ph I & II, Upper Beal Slough Trunk sewer extension, Oak Creek Relief Trunk and extensions, and new trunk sewer system to serve the Stevens Creek Basin.
- 3.1.3.5.1 Bidding and construction for the initial phases for many of the above projects are scheduled to begin in the fall of 2005 in accordance with the approved CIP for FY 2005 - 06.

- 3.1.4 Hydraulic modeling of the major drainage basins has been performed for evaluation of capacity and design purposes using a various static and dynamic hydraulic models and spreadsheet programs.
- 3.1.5 Continuous monitoring of flows at 30 key points in the collection system has occurred since 1994 and this data is available for review.
 - 3.1.5.1 Limited evaluation and analysis of peak flow data at these points including related rainfall monitoring gauge data has been performed by the City to assist in determining those lines that are under capacity and identify possible locations of excessive rainfall derived infiltration/inflow (RDII) or other extraneous/abnormal flows.
- 3.1.6 The City has performed preliminary designs, sizing, and estimated costs for extending the sanitary sewer system to service various basins proposed for growth since completion of the current Facilities Plan.
- 3.1.7 Industrial monitoring and sampling of 38 industries in the collection system occurs on a regular basis.
 - 3.1.7.1 An annual industrial audit of this program summarizes the collected monitoring data and sets surcharge rates for the various waste strength parameters.
 - 3.1.7.2 This information is available in computerized spreadsheet format.
- 3.2 Wastewater Treatment Facilities - Theresa Street and Northeast
 - 3.2.1 The City of Lincoln's Wastewater System operates two (2) facilities: the Theresa St. Facility, located at 2400 Theresa St., and the Northeast Wastewater Treatment Facility, located at 7000 North 70th St., Lincoln, Nebraska.
 - 3.2.2 The facilities consist of preliminary and advanced secondary wastewater treatment processes followed by seasonal disinfection of the effluent prior to discharge into Salt Creek.
 - 3.2.3 NPDES Discharge permits for both facilities were issued in January, 2004 and include 5 year compliance schedules for meeting the new effluent discharge permit limits for disinfection and ammonia.
 - 3.2.3.1 Currently, construction of improvement projects are underway at both treatment facilities to provide additional treatment and capacity to meet the permit limits as listed below.
 - 3.2.3.2 Also, continuing studies and discussions are occurring with the Nebr. Dept. of Environmental Control (NDEQ) and EPA for possible application of flow variable based permit limits to the current and future permit renewals for the discharges.
 - 3.2.4 *Theresa Street Facility*
 - 3.2.4.1 The Theresa Street Treatment Facility is currently designed and improvements are currently underway to provide design nitrification treatment capacity for treating average daily flow of 28.0 million gallons per day (mgd).
 - 3.2.4.1.1 Current flows average approximately twenty (20) mgd
 - 3.2.4.2 Advanced secondary treatment is accomplished by three individual flow trains with the noted capacities: a West Side train (4 mgd); East Side train (10 mgd); and a new Central Train (13mgd).
 - 3.2.4.2.1 Each of these trains is followed by secondary clarification and UV disinfection.
 - 3.2.4.3 Secondary solids are thickened by DAF and the combined Primary and thickened secondary solids are anaerobically treated in egg shaped digesters.
 - 3.2.4.3.1 These biosolids are dewatered by belt filter presses and hauled to agricultural land application sites within Lancaster County for application by farmers.

- 3.2.4.4 Current and recent projects that have been constructed or under design or construction at the facility include:
- 3.2.4.4.1 A new Central treatment train to meet permit limits and provide additional capacity is currently under construction and scheduled for completion in 2007. Included in these improvements are the addition of a new primary clarifier and related primary sludge pumping station, new aeration tankage and secondary solids pumping , two new final clarifiers, replacement of mechanisms to four existing final clarifiers, and other related site improvements.
 - 3.2.4.4.2 Replacement of mechanisms for Primary Clarifier No.'s 2, 3, 4, & 5 were completed in 2000 and are operational.
 - 3.2.4.4.3 West Side and East Side Aeration Train improvements to provide for nitrification of flows to these systems were completed in 2000 and 2004 respectively.
 - 3.2.4.4.4 Headwork's Pumping and Screening project improvements were completed in 2004 which included: addition of one new 25 mgd pump, valves, and related piping and replacement of two bar screens in the North Pumping Station
 - 3.2.4.4.5 Grit Removal and Handling improvements project completed in 2004 which included addition of new grit vortex removal units, new liquid waste grit dumping station, grit pumping, grit washing and classifiers, and grit loading building.
 - 3.2.4.4.6 UV Effluent disinfection improvements project was completed in early 2005 and included installation of a UV and liquid chlorine disinfection system.
 - 3.2.4.4.7 East Side Odor control improvements project included addition of covers and collection piping for East Side primary clarifiers, odor collection system for solids thickening building, and chemical odor scrubbing equipment and odor control chemical storage building which was completed in the summer of 2005.

3.2.5 *Northeast Treatment Facility*

- 3.2.5.1 The facility was originally constructed in 1980. Currently, treatment improvements including an additional train and improvements to the existing treatment system are underway to provide treatment to meet and was designed to treat an annual average flow of eight (8) million gallons per day.
- 3.2.5.1.1 Current annual flows average approximately seven (7) million gallons per day.
- 3.2.5.2 Advanced secondary treatment is accomplished by two parallel flow trains that include: bio-towers with redwood media, followed by activated sludge, secondary clarification, and chlorination for disinfection prior to discharge to Salt Creek.
- 3.2.5.3 Primary solids are anaerobically treated and secondary solids are aerobically digested.
- 3.2.5.3.1 Digested bio-solids are then pumped to a holding lagoon and subsurface injected on city owned agricultural cropland.

- 3.2.5.4 Current and recent projects completed, under design or construction at the facility include:
- 3.2.5.4.1 Construction of new process improvements to the existing treatment train and addition of a new east train to meet permit limits and provide additional capacity is currently under construction and scheduled for completion in 2006. Included in these improvements are the replacement of existing two primary and final clarifier mechanisms, related primary and final sludge pumping station improvements, new east side aeration tankage, one new final clarifier, replacement and updating of main site electrical service and other related site improvements.
 - 3.2.5.4.2 Solids Handling Improvements project was completed in 2004 and included renovation and improvements to the two existing anaerobic digesters to increase capacity, removal of aerobic digesters from operation, addition of rotary drum thickening equipment for waste activated solids, and evaluation of capacity of existing bio-solids injection site.
 - 3.2.5.4.3 UV Effluent disinfection improvements project. completed in early 2004 and included installation of a new UV system and liquid chlorine disinfection system.

4. GENERAL REQUIREMENTS AND SERVICES

- 4.1 The following is offered to describe the general extent of services to be provided by the consultant.
 - 4.1.1 This is not necessarily all-inclusive and the Consultant shall include in the proposal any tasks and services deemed necessary to satisfactorily complete the project.
 - 4.1.2 The City will rely on the firm's competence and experience to develop a final scope of services identifying all necessary tasks, meetings, and deliverables.
- 4.2 Basic Required Services
 - 4.2.1 Initially meet with City project team to review the scope of required services, design criteria and expectations, obtain background information, and establish tentative schedule for completion.
 - 4.2.2 Prepare a study or work memorandum that defines in detail the Consultant's and City's mutually agreed understanding of project scope, objectives, and schedule, including budgetary information and meet with City staff to review and approve the memorandum.
 - 4.2.3 Review current Facilities Master Plan and various studies including operational data, flows, City's current design equation for estimating flows and sizing of collection system piping, wastewater quality information, and other related information.
 - 4.2.3.1 Incorporate appropriate and applicable results and recommendations of previous and current studies, designs and construction of projects into update of Master Plan.
 - 4.2.4 Perform other investigations, site visits, review of existing and previous construction, special inspections, and, related data collection, including topographic, geo-technical, odor, and other investigations, if necessary and as deemed appropriate by the study consultant.
 - 4.2.5 Assist City in reviewing and evaluating the capacities and future needs of the existing wastewater system including identifying and reviewing: major trunk sewer and pumping needs for the collection system that were previously developed by the City; treatment facilities; and, determining the capacities of various specific treatment units and unit processes.

- 4.2.6 Assist City in reviewing and evaluating: the impact of future applicable regulations, (such as SSO, Part 503 Sludge Regulations, infrastructure asset management requirements, etc.) projected rates of growth and growth scenarios described in the City's Comprehensive Plan and those developed by the City's Planning Department on the Wastewater System's facilities.
- 4.2.7 Review and evaluate short term and long term system improvements as listed today and required to meet projected needs and other growth parameters including estimated cost projections and future cash flow needs and schedules.
 - 4.2.7.1 Provide for future collection, treatment and capacity needs to meet future regulations, system needs and projected future growth for the near term periods, (0 to 6 and 12 year), and longer term period (25 years). Intervals in flow and loadings to be handled by the collection system and treatment facilities shall be addressed and evaluated.
 - 4.2.7.2 Intervals greater than 25 years, such as 50 years or as determined during the study, shall also be examined as appropriate for the various system needs.
- 4.2.8 Develop phasing and design schedules and plans, including:
 - 4.2.8.1 Phased cost information for implementation of improvements to meet projected collection and treatment needs; compatibility with the overall system and treatment plant process; meet budgetary constraints; and, future capital improvements planning for the treatment facilities.
- 4.2.9 Activities required by this project shall be coordinated with other current City Planning efforts and studies, (e.g. Comprehensive Plan Update, designs, and construction activities underway for various improvements to the collection and treatment systems).
- 4.2.10 Prepare draft / interim technical memorandums, issues papers and facilities plan report with appendices including:
 - 4.2.10.1 Preliminary findings and recommendations including any conceptual designs, diagrams and sketches;
 - 4.2.10.2 Recommended Implementation / phasing plans and projected costs and cash flow schedules for short term (6 yr. and 12yr.) and longer term (25 and 50 yr.) time schedules for identified future improvements to clearly indicate the projects, considerations involved and recommended alternative solutions for meeting future and long term needs.
 - 4.2.10.3 Executive summaries and other necessary interim reports and issue papers.
- 4.2.11 Prepare and submit five (5) copies of interim and final Facilities Planning reports including: summary of the evaluations, findings, conclusions, opinions of costs, appropriate sketches, recommendation of improvements, implementation and phasing plans, related cash flow information for incorporation into the City's CIP program, and executive summary.
 - 4.2.11.1 The final number of hard copy reports for future use by the City will be determined during the study.
 - 4.2.11.2 Final printing of hard copy reports will be performed by the City from suitable format and copy of final report provided by the study consultant for such printing purposes.
- 4.2.12 Coordinate and meet with City project team, key stakeholders, committee's , agencies etc. at periodic and key times throughout the project to: review status and progress at 10 %, 25%, 50%, 75%, & 95% completion stages; to meet with and present interim and final reports; discuss findings and final conclusions; and, revise final documents and reports as necessary for incorporation into the City's Comprehensive Plan.
- 4.2.13 Prepare all reports in computerized word processing, (Word Perfect Version 9 or MS Word 2000) and CAD (Bentley Intergraph - Microstation) formats acceptable to the City and furnish final reports on CD ROM media.

- 4.2.14 It is anticipated that the basic content, format and composition of the updated final report shall be similar to the 2003 Facilities Plan Update Report. However, the final content, etc. will be determined during this project.

5. **AVAILABLE INFORMATION**

- 5.1 General
- 5.1.1 The following is a selected list of the most applicable documents that may be of use in this project.
- 5.1.2 The information is available for review at the offices of the Lincoln Wastewater System, 2400 Theresa Street, Lincoln, Nebraska.
- 5.1.2.1 Copies may be furnished for the cost of reproduction, handling, and mailing unless otherwise noted below.
- 5.1.3 Applicable Documents
- 5.1.3.1 Various record drawings, studies, documents, and designs on file for Collection and Pumping System, Theresa Street, Northeast Wastewater Treatment Facilities, and related BioSolids handling and land application facilities.
- 5.1.3.2 "Lincoln Wastewater System Facilities Plan Update Report", April, 2003, Brown and Caldwell & MWH, and Lincoln Wastewater System, including supporting calculations. Available on the City's website at:
<http://www.lincoln.ne.gov/city/pworks/waste/wstwater/wwplan/index.htm>
- 5.1.3.3 Latest Update of "Lincoln City - Lancaster County Comprehensive Plan", including latest amendments, Lincoln City – Lancaster County Planning Department.
- 5.1.3.4 Pertinent operational data and reports, etc., for the various components of the treatment process. Operational data, flow information, lab testing, water quality information etc. is available in various computerized formats such as LOTUS, MS Excel, MS Access, RBase, & JD Edwards accounting system.

6. **CITY'S RESPONSIBILITY**

- 6.1 Designate project representative and City project team to coordinate work activities of City project team, Consultant, and other affected agencies.
- 6.2 Provide pertinent historical, current, and projected flow and growth data for use by interested firms.
- 6.3 Make all policy and budgetary decisions so as to allow timely completion of the work.
- 6.4 Supply pertinent existing drawings, records, and available information.
- 6.5 Supply all field books, survey, and diary books for recording data.
- 6.6 Coordinate work with other City agencies to incorporate designs into and update Wastewater Facilities Plan and Lincoln-Lancaster County Comprehensive Plan as required.

7. **SELECTION PROCEDURE AND SCHEDULE**

- 7.1 The City intends to proceed with this project as soon as possible.
- 7.2 The tentative proposed schedule of activities is as follows:
- | | | |
|---------|---|-------------------|
| 7.2.1 | Final requests for clarification, NOON | October 7, 2005 |
| 7.2.2 | Proposal submittal deadline | October 12, 2005 |
| 7.2.3 | Short list and schedule interviews | Late October 2005 |
| 7.2.4 | Interview short listed consultants | November 2005 |
| 7.2.5 | Select consultant and negotiate | November 2005 |
| 7.2.6 | Tentative Project Schedule. | |
| 7.2.6.1 | Begin Facilities Master Planning Work | November 2005 |
| 7.2.6.2 | Submit Interim Report (75%) | May 2006 |
| 7.2.6.3 | Submit Final Draft Facilities Planning Report | July 2006 |
| 7.2.6.4 | Submit Final Facilities Planning Report | August 2006 |

- 7.3 Any request for clarification or additional information regarding this RFP shall be directed in writing to: Mary Long, Assistant Purchasing Agent 440 So. 8th St., Ste. 200,
Lincoln, NE 68508, fax: 402/441-6513 or email:
mlong@lincoln.ne.gov

8. **PROPOSAL CONTENTS**

- 8.1 Proposal preparation
- 8.1.1 In order to facilitate evaluation of the proposals, the offerer is instructed to be concise and to follow the outline below in responding.
- 8.1.2 Proposals shall be on plain white paper, black ink, minimum 10 pt. font, maximum 24 single sided pages, stapled in the upper left corner.
- 8.1.2.1 This maximum page count does not include Letter of Transmittal, Executive Summary, resumes or references.
- 8.2 **Letter of Transmittal**
- 8.2.1 One page
- 8.2.2 Introductory letter signed by an individual authorized to commit the firm to the project.
- 8.2.2.1 Include appropriate contact person, phone number, fax number, and email address.
- 8.3 **Executive Summary**
- 8.3.1 One page
- 8.3.2 Short , non-technical summary stating firms understanding of the purpose and essentials of the project.
- 8.4 **Proposal**
- 8.4.1 Maximum of 24-pages, one-sided, black ink, minimum 10 pt font to include the following:
- 8.4.1.1 Describe and outline the **Firm's Approach** to performing the work required by this project.
- 8.4.1.1.1 Include implementation plan describing project phases, key work elements to meet critical project dates, and a recommended schedule of meetings to provide for timely input by City project team.
- 8.4.1.2 Outline the Proposed **Project Schedule** to meet the project schedules previously outlined in the RFP.
- 8.4.1.1.2 Provisions for meaningful input from City project team during the routing and preliminary and final design phases of various portions of the project are essential and shall be addressed.
- 8.4.1.3 Describe the **Ability of the Firm** to Meet the Intent of Required Services Outlined in this RFP, including:
- 8.4.1.3.1 Time availability of team members to meet the tentative project schedule.
- 8.4.1.3.2 Quality Assurance and Quality Control (QA/QC) review procedures to be utilized on this project.
- 8.4.1.3.3 Cost estimating and cost control procedures used by firm on similar projects.
- 8.4.1.3.4 A statement of general qualifications and background experience of the firm and project team members, including sub-consultants in this type of project and work.
- 8.4.1.3.5 A statement of general qualification and background experience of the firm and project team members, including sub-consultants in this type of project and work.

- 8.4.1.3.6 A comparison to similar projects of similar size and capacity and cost.
- 8.4.1.3.7 Listing of types of anticipated assistance that may be required from Owner.
- 8.4.1.4 Delineate the **Project Team and Organization** for this project.
 - 8.4.1.4.1 Include names of key individuals to be assigned to, and work directly on, the project.
 - 8.4.1.4.2 Describe specific areas and limits of responsibilities for each of the team members and proposed sub-consultants to be utilized.
 - 8.4.1.4.3 Include a project team organizational chart showing lines of responsibility and extent of involvement for sub-consultants. Include resumes for project team members, key individuals, and sub-consultants.
- 8.5 Submit four contacts (**References**) of former clients (to include contact person, title, and telephone number) for which your firm was engaged with the past five (5) years to perform similar services as described herein.
- 8.6 **Resumes** of persons who will be performing the work.

9. **EVALUATION CRITERIA**

- 9.1 Proposals will be reviewed by a selection committee appointed by the Mayor.
- 9.2 The committee will evaluate each proposal based on the documentation requested herein, utilizing criteria, which includes, but is not necessarily limited to or in the order of, the following:
 - 9.2.1 Understanding of the requirements of this project.
 - 9.2.2 Relevance and suitability of the project approach and schedule to meet the needs of the City.
 - 9.2.3 Qualifications and expertise of the key personnel to be assigned to this project.
 - 9.2.4 Background experience of the firm and the project team as it directly relates to this project.
 - 9.2.5 Record of past performance on similar projects.
 - 9.2.6 Comments and opinions provided by references.
 - 9.2.7 Quality and cost control procedures to be used on this project and identify personnel responsible for these controls.
 - 9.2.8 Resources of the firm to conduct and complete this project in a satisfactory manner.
 - 9.2.8.1 Factors to be considered include: current work load (including current work with the City); schedule for completion; and, ability and willingness to commit the key personnel to complete the projects by the scheduled dates outlined in this RFP.
 - 9.2.9 Clarity, conciseness, and organization of proposal.
 - 9.2.10 NOTE: Proposals will be reviewed, evaluated and ranked (e.g.: 1,2,3) in accordance with the City's selection process and procedure.
 - 9.2.11 Additional information submitted but not mentioned in this Request for Proposal.

10. **SUBMITTAL PROCEDURE**

- 10.1 Please submit **six** copies of your proposal at following address, no later than 12:00, Noon October 12, 2005 to:
 - Mary L. Long
 - Assistant Purchasing Agent
 - 440 South 8th Street, Suite 200
 - Lincoln, Nebraska 68508
- 10.2 If the proposal is sent by mail, the respondent shall be responsible for actual delivery of the proposal prior to the submittal deadline.
 - 10.2.1 Any response received after the submittal deadline will not be considered.

- 10.3 The City may waive any informalities or irregularities in the proposal and reserves the right to accept, reject, or negotiate any or all proposals, including the right to award the contract in whole or in part if it deemed in the City's best interest.
- 10.4 Request for clarification or additional information must be received in written format prior to time and date noted in section 7.2.
- 10.5 Any additional information regarding this RFP will be issued as written addenda and sent to all RFP recipients, at least five working days before the submittal deadline.
- 10.6 Verbal responses and/or representations shall not be binding to the City.

11. ESTIMATED FEES

- 11.1 The City will rank the proposals based on the criteria outlined in the RFP and determine a short list.
- 11.2 The firms selected for oral presentations will be notified and will be asked to prepare a fee schedule and submit in a sealed envelope at the time of interview.
 - 11.2.1 This fee schedule will be cost plus and include hourly rate schedule.
- 11.3 The fee schedule may be used in case of a tie in the ranking of the top firm after the oral presentations.
- 11.4 If the City is unable to arrive at a mutual agreement with the top ranked firm the City retains the sole right to move on to negotiations with the second (then third, etc.) ranked firm.

12. INSURANCE

- 12.1 The successful firm shall obtain all insurance required and approved by the City Attorney for the City of Lincoln. Standard Certificate of Insurance requirements can be found on the City website at http://interlinc.ci.lincoln.ne.us/city/finance/urch/ci_insur.htm
- 12.2 All certificates of insurance shall be filed with the City of Lincoln on the standard **Accord Certificate Of Insurance** form showing the specific limits of insurance coverage required in Sections A,B,C,D, and showing the City of Lincoln as named additional insured.

**INSTRUCTIONS TO PROPOSERS
CITY OF LINCOLN, NEBRASKA
PURCHASING DIVISION**

1. PROPOSAL PROCEDURE

- 1.1 Each RFP must be legibly printed in ink or typed, include full name, business address, telephone number, fax number and email address of the Proposer; and be signed in ink by the Proposer.
- 1.2 Response by a firm/organization other than a corporation must include the name and address of each member.
- 1.3 A response by a corporation must be signed in the name of such corporation by a duly authorized official thereof.
- 1.4 Any person signing a response for a firm, corporation, or other organization must show evidence of his authority so to bind such firm, corporation, or organization.
- 1.5 Proposals received after the time and date established for receiving offers will be rejected.

2. EQUAL OPPORTUNITY

- 2.1 Each proposer agrees that it shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, national origin, age, or marital status. In the employment of persons, proposer shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to race, color, religion, sex, disability, national origin, age, or marital status.

3. DATA PRIVACY

- 3.1 Proposer agrees to abide by all applicable State and Federal laws and regulations concerning the handling and disclosure of private and confidential information concerning individuals and corporations as to inventions, copyrights, patents and patent rights.
- 3.2 The proposer agrees to hold the City harmless from any claims resulting from the proposer's unlawful disclosure or use of private or confidential information.

4. PROPOSER'S REPRESENTATION

- 4.1 Each proposer by signing and submitting an offer, represents that he/she has read and understands the specification documents, and the offer has been made in accordance therewith.
- 4.2 Each offer for services further represents that the proposer is familiar with the local conditions under which the work and has correlated the observations with the requirements of the RFP.

5. SPECIFICATION CLARIFICATION

- 5.1 Proposers shall promptly notify the Purchasing Agent of any ambiguity, inconsistency or error which they may discover upon examination of specification documents.
- 5.2 Proposers desiring clarification or interpretation of the specification documents shall make a written request which must reach the Purchasing Agent at least seven (7) calendar days prior to date and time for response receipt.
- 5.3 Interpretations, corrections and changes made to the specification documents will be made by written addenda.
- 5.4 Oral interpretations/changes to Specification Documents made in any other manner, will not be binding on the City; proposers shall not rely upon oral interpretations.

6. ADDENDA

- 6.1 Addenda are written documents issued by the City prior to the date for receipt of offers which modify or interpret the specification document by addition, deletion, clarification or correction.
- 6.2 Addenda will be mailed or delivered to all who are known by the City to have received a complete set of specification documents.
- 6.3 Copies of addenda will be made available for inspection at the office of the Purchasing Agent.
- 6.4 No addendum will be issued later than forty-eight (48) hours prior to the date and time for receipt of offers, except an addendum withdrawing the RFP, or addendum including postponement.
- 6.5 Proposers shall ascertain prior to submitting their offer that they have received all addenda issued, and they shall acknowledge receipt of addenda in their proposal.

7. ANTI-LOBBYING PROVISION

- 7.1 During the period between the proposal advertisement date and the contract award, proposers, including their agents and representatives, shall not lobby or promote their proposal with any member of the City Council or City Staff.

8. EVALUATION AND AWARD

- 8.1 The signed proposal shall be considered an offer on the part of the proposer. Such offer shall be deemed accepted upon issuance by the City of purchase orders, contract award notifications, or other contract documents appropriate to the work.

- 8.2 No offer shall be withdrawn for a period of ninety (90) calendar days after the time and date established for receiving offers, and each proposer agrees in submitting an offer.
- 8.3 In case of a discrepancy between the unit prices and their extensions, the unit prices shall govern.
- 8.4 The RFP process is designed to be a competitive negotiation platform, where price is not required to be the sole determinative factor; also the City has the flexibility to negotiate with a select firm or selected firms to arrive at a mutually agreeable relationship.
- 8.5 A committee will be assigned the task of reviewing the proposals received.
 - 8.5.1 The committee may request documentation from Proposer(s) of any information provided in their proposal response, or require the Proposer to clarify or expand qualification statements.
 - 8.5.2 The committee may also require a site visit and/or verbal interview with a Proposer or select group of Proposers to clarify and expand upon the proposal response.
- 8.6 The offer will be awarded to the lowest responsive, responsible proposer whose proposal will be most advantageous to the City, and as the City deem will best serve their requirements.
- 8.7 The City reserves the right to accept or reject any or all offers, parts of offers; request new proposals, waive irregularities and technicalities in offers; or to award the RFP on a split-order basis, or lump-sum basis; such as shall best serve the requirements and interests of the City.

9. INDEMNIFICATION

- 9.1 The proposer shall indemnify and save harmless the City of Lincoln, Nebraska from and against all losses, claims, damages, and expenses, including, attorney's fees arising out of or resulting from the performance of the contract that results in bodily injury, sickness, disease, death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom and is caused in whole or in part by the proposer, any subcontractor, any directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. This section will not require the proposer to indemnify or hold harmless the City of Lincoln for any losses, claims damages, and expenses arising out of or resulting from the sole negligence of the City of Lincoln, Nebraska.
- 9.2 In any and all claims against the City or any of its members, officers or employees by an employee of the proposer, any subcontractor, anyone directly or indirectly employed by any of them or by anyone for whose acts made by any of them may be liable,

the indemnification obligation under paragraph 13.1 shall not be limited in any way by any limitation of the amount or type of damages, compensation or benefits payable by or for the bidder or any subcontractor under worker's or workmen's compensation acts, disability benefit acts or other employee benefit acts.

10. LAWS

- 10.1 The Laws of the State of Nebraska shall govern the rights, obligations, and remedies of the Parties under this proposal and any agreement reached as a result of this process.
- 10.2 Proposer agrees to abide by all applicable State and Federal laws and regulations concerning the handling and disclosure of private and confidential information concerning individuals and corporations as to inventions, copyrights, patents and patent rights.

11. AWARD

- 11.1 The RFP process is designed to be a competitive negotiation platform, where price is not required to be the sole determinative factor; also the City has the flexibility to negotiate with a selected firm or firms to arrive at a mutually agreeable relationship.
- 11.2 The City shall be the sole judge as to merits of the proposal, and the City's decision will be final.
- 11.3 A committee will be assigned by the Mayor with the task of reviewing the proposals received.
 - 11.3.1 The committee may request documentation from Proposer(s) of any information provided in their proposal response, or require the proposer to clarify or expand qualification statements.
 - 11.3.2 A short list of firms from proposals submitted may be selected for a presentation to the committee and ranked by committee members.
- 11.4 Final approval to enter into contract negotiations with the top ranked firm will be by the Mayor of the City of Lincoln.
- 11.5 The City shall not be liable for any expense incurred in connection with preparation of a response to this RFP.
- 11.6 The contract document shall incorporate by reference all requirements, terms and conditions of the solicitation, proposal received and all negotiated details.